



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert B. Corbin

October 2, 1979

The Honorable Jack M. Williams
Graham County Attorney
Courthouse
Safford, AZ 85546

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ARIZONA ATTORNEY GENERAL

RE: I79-246

(R79-254)

Dear Mr. Williams:

We are writing in response to your letter of August 20, 1979, wherein you asked for our opinion on the following matters which relate to volunteer fire districts:

1. May a district make improvements to real estate located in and owned by a town within the boundaries of the district?

2. What is the proper amount for the county board of supervisors to allocate to a district?

With respect to question 1, the expenditures that may be made by a district board are set forth in A.R.S. § 9-1004. The only subsection that pertains to real estate is A.R.S. § 9-1004.A.1(d), which provides:

A. The officers of the district shall hold regular monthly meetings and may:

1. With the approval of the board of supervisors:

* * *

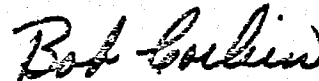
(d) Lease or purchase land, erect or purchase buildings and equipment and furnish such buildings so as to house equipment and personnel necessary for fire protection.

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This provision authorizes a district to lease or purchase land and then erect or purchase buildings on the land for the purpose of housing equipment and personnel necessary for fire protection, all subject to approval by the board of supervisors. So long as a lease has been obtained pursuant to the statute and the improvements are to be made for the purposes specified therein, the district may make improvements on town-owned real estate.

With respect to question 2, we have recently issued Ariz. Att'yGen.Op.No. 179-238, which addressed this matter. It is attached for your reference. To summarize our conclusions in that opinion, we said that the county contribution must be based on that statutory formula in A.R.S. § 9-1005.A subject to the 10% limitation. It is unclear from your statement of facts as to whether the 1978-79 contribution was properly calculated pursuant to this formula.¹ If it was not, the 1979-80 contribution should take into consideration a corrected calculation of the prior year's allocation as the basis for applying the 10% limitation.

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:brf
Enclosure

* 1. You have informed us that last year's allocation, the first year of the district's operation, was \$695.00 and that this year the district is seeking \$22,950. You do not indicate whether the \$695.00 allocation was properly calculated pursuant to A.R.S. § 9-1005.A.